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April 4, 2001      LB 438

SENATOR ERDMAN: Thank you, Mr. President and members. I move the adoption of the E & R amendments to LB 438.

PRESIDENT MAURSTAD: The question is the adoption of the E & R amendments to LB 438. Senator Dierks, you are recognized on the E & R amendments.

SENATOR DIERKS: Thank you, Mr. President. Members of the Legislature, on General File, Senator Raikes has some questions about the authority of the Department of Agriculture and also on the...something on the testing costs, and I thought that I should talk to you a little bit about that and give him the opportunity to answer. We didn't develop an amendment. I think that we felt that we had this pretty well worked out between us and I want to make sure that that is still so. The...there is two points I think I want to talk about. One is on the livestock emergency response system and there is nothing in the new language that would alter the department's obligation to respond to these foreign animal disease entries into the state. The department is obligated and the power is already under 54-701 to protect the health of livestock in the state and to employ the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous, infectious, contagious, and otherwise transmissible diseases among livestock. The department has specific powers in statutes for dealing with these program diseases but the department would respond to a foreign animal disease by way of help from the U.S. Department of Agriculture and the Animal Plant Health Inspection Service especially, and they are the ones that came in and took care of the problem with the sheep in Vermont and the North Carolina hog situation to determine about the foot and mouth disease. So it's...we think that the power is there in the current language to take care of the difficulties that Senator Raikes had. And then on the problem with testing and the cost, why the livestock...Section 11 of the bill and E & R amendments reads as follows: The livestock producers who choose to participate in the voluntary livestock certification program shall pay the primary costs of the program, including all on-farm testing costs. The department may use funds appropriated by the Legislature, when available, to offset the